THE HON'BLE SRI JUSTICE A. GOPAL REDDY
AND
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

TAKEN UP WRIT PETITION NO.22963 OF 2007

Date: 19.11.2007

Between:

Smt. Potnuri sivamma … Petitioner

And

The Station House Officer,
Payakapuram Police Station,
Krishna District and another. … Respondents.

ORAL ORDER: **(per A. Gopal Reddy, J)**

Representation dated 27.10.2007 sent by one Smt. Potnuri Sivamma Wife of Ramakrishna, resident of Ajithsinghnagar, Vijayawda to the Hon'ble the Chief Justice of this Court alleging that her three children, namely, Suryanarayana, Lakshminarayana and Challa Tulasi were illegally detained by Payakapuram Police and are interfering in civil matter by putting locks to the house of the petitioner by forcibly evicting them from the house, was taken up as a writ petition.

In response to the rule nisi, the Inspector of Police, Nunna Rural Police Station filed a counter-affidavit together with the common statement of the petitioner and the three alleged detenus recorded by the Tahsildar and Executive Magistrate, Vijayawada Urban wherein they have stated that Sri

Ramakrishna, the husband of the petitioner and father of the three children is harassing them physically and mentally and in spite of that they are living with Sri Ramakrishna. In the statement they further stated that on the complaint made by Sri Ramakrishna they were taken to the Police Station but the police never locked their house nor forcibly evicted them from their house and they are attending to their day-to-day business without any interference by the police.

In view of the statement made by the petitioner and her children which was recorded by the Tahsildar and Executive Magistrate, Vijayawada Urban, and since the alleged detenus are moving freely, there is no truth in the allegations made by the petitioner that the alleged detenus were illegally detained by the police. The Writ Petition, therefore, fails and it is accordingly dismissed.

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A. GOPAL REDDY, J

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19th November, 2007 **NOOTY RAMAMOHANA RAO, J**

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